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d. Investigating unlawful treatment which may prevail in prisons and labor reformatories.

e. Taking action on appeals which have been waived by the people's prosecutor's office on the lower level.

f. Participating as the government witness in civil cases and administrative controversies which involve the national interest and the interest of the working people.

The functions mentioned in Sections a and b may be entrusted to and exercised by local police agencies under the guidance and supervision of the people's prosecutor's office on the higher level in areas where the people's prosecutor's office has not been established.

Article 4

The Office of the People's Prosecutor General shall have a prosecutor general, two or three deputy prosecutor generals and 11-17 prosecutors, all of whom shall be appointed by the Central People's Government Council.

The number of deputy prosecutor generals and prosecutors may be increased or reduced after approval by the Central People's Government Council upon the request of the prosecutor general.

Article 5

The prosecutor general shall be the chief administrator of the Office of the People's Prosecutor General and shall be assisted by deputy prosecutor generals.

Article 6

The Prosecutor General's Office Committee shall consist of the prosecutor general, deputy prosecutor generals, and prosecutors with the prosecutor general as chairman. In case of disagreement, the decision of the prosecutor general shall be final.

The Prosecutor General's Office Committee shall discuss and draw resolutions on policies of public prosecution and other related matters.

The prosecutor general shall call the committee to meet once a month. He may call the monthly meeting before or after the scheduled time.

Article 7

The Office of the People's Prosecutor General shall have assigned to it a secretary-general and a deputy secretary-general to handle daily routine matters and supervise all the business offices and divisions within the organization under the direction of the prosecutor general and the deputy prosecutor general.

Article 8

The Office of the People's Prosecutor General shall set up a business office with one executive and one or two assistant executives and a number of secretaries. In the general business office there shall be various divisions and subdivisions in charge of stenographic work, messages, files, accounting, office supplies, etc. An office for the secretary-general may be set up.

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Article 9

The Office of the People's Prosecutor General shall be divided into three divisions for conducting prosecution procedures and supervising the people's prosecutor's offices on various levels. Each division shall have assigned to it a division chief and two assistant chiefs with a number of prosecutors, assistant prosecutors, and clerks.

Article 10

The Office of the People's Prosecutor General shall set up a personnel division in charge of the personnel administration for the entire system of people's prosecutor's offices. The personnel division will have a division chief, an assistant chief, and a number of clerks.

Article 11

The Office of the People's Prosecutor General shall set up a research division with a division chief and an assistant chief in charge of general investigation, statistics, studies, editorial work, information, and library facilities.

Article 12

Each of the subdivisions or units in the Office of the People's Prosecutor General shall have a subdivision chief and, if necessary, an assistant to the chief.

Article 13

In exercising his power of prosecution, the prosecutor general shall prosecute, through the Supreme People's Court, all cases which, in his opinion, should be punished by criminal law. He shall prosecute, through the Committee of the People's Supervision of the Government Administration Council of the Central People's Government, all cases which warrant prosecution by the executive body.

Article 14

The Office of the People's Prosecutor General may subpoena those files and documents from government organizations which are necessary for the execution of its functions.

Article 15

The Office of the People's Prosecutor General may set up branches in the larger administrative districts or other areas to exercise its power in those districts or areas.

Article 16

General regulations on the organization of the people's prosecutor's offices on various levels shall be dealt with separately.

Article 17

These regulations are effective on the date of promulgation after approval by the Central People's Government Council.

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ORGANIZATION OF PEOPLE'S PROSECUTOR'S OFFICES
ON VARIOUS LEVELS

(Approved by Central People's Government Council, 3 September 1951)

Article 1

These general regulations are formulated for the establishment of local people's prosecutor's offices on various levels.

Article 2

The authority of the local people's prosecutor's offices shall be as follows:

- a. Conducting investigations to ascertain whether or not the government organizations on various levels, government employees, and all citizens strictly observe the Common Program of the People's Political Consultative Conference of the People's Republic of China, and the policies, law, and orders of the people's government.
- b. Investigating and prosecuting counterrevolutionary and criminal cases.
- c. Presenting demurrers and protests of court decisions which have been reached illegally or improperly.
- d. Investigating unlawful treatment where it may prevail in prisons and labor reformatories.
- e. Acting on appeals which have been waived by the prosecutor's office on the lower level.
- f. Participating as the government witness in civil cases and in administrative controversies which involve public interest and the interest of the working people.

Article 3

The organization of people's prosecutors' offices on various levels shall be as follows:

- a. The Office of the People's Prosecutor General of the Central People's Government may establish branches in the major administrative regions and other areas. Each branch shall consist of a chief prosecutor, a deputy chief prosecutor, a general secretary, a general office with three divisions and a number of subdivisions, a number of special prosecutors, assistant prosecutors, and clerks.
- b. The people's prosecutor's office, on the provincial (or special ch'u) level or in municipalities under the direct jurisdiction of the Central People's Government or major administrative regional government, shall consist of a chief prosecutor, a deputy prosecutor, a general office with a number of divisions, and a number of prosecutors, assistant prosecutors, and clerks.
- c. The provincial people's prosecutor's office may establish branches in the special ch'u under its jurisdiction. Each of such branches shall consist of a chief prosecutor, a deputy prosecutor, and a number of prosecutors and clerks.

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d. The hsien (or municipal) people's prosecutor's office shall consist of a chief prosecutor, a deputy prosecutor, several prosecutors, assistant prosecutors, and clerks. A general office may be set up in the prosecutor's office in the larger municipalities.

A division chief and an assistant chief may be assigned to the division and subdivision in the hsien (or municipality) prosecutor's office.

According to existing conditions, people's prosecutor's offices may be set up in minority nationalities self-governing districts on the same level as the local government.

Article 4

The chief prosecutor in each people's prosecutor's office on the local level shall be in charge of the administration of its office, assisted by the deputy prosecutor.

Article 5

Each of the people's prosecutor's offices on the various levels may set up a prosecution committee, headed by the chief prosecutor. In a matter of dispute, the decision of the chief prosecutor shall be final.

The committee of the people's prosecutor's office shall discuss and draft resolutions pertaining to policies of prosecution and other related matters.

The committee shall convene once a month as directed by the chief prosecutor. The chief prosecutor may call the meeting before or after the scheduled time.

Article 6

The vertical and horizontal relationships between the people's prosecutor's offices on the various levels are as follows:

a. The people's prosecutor's offices on the local level shall be under the guidance and supervision of the people's prosecutor's offices on the higher level.

b. Each of the people's prosecutor's offices on the various levels (including the branches of the Office of the People's Prosecutor General) shall be a constituent part of the government on its own level and, hence, under the guidance and supervision of the people's government committee on the same level. It shall maintain close contact with the judicial and police agencies. Each branch of the provincial people's prosecutor's office shall be under the guidance of the chief administrator of the special district.

c. In exercising its powers of prosecution, each of the people's prosecutor's offices on the various levels shall prosecute (through the people's court on its own level) those cases which, in its opinion, should be punished by criminal law procedure, while those cases which call for executive measures shall be prosecuted through the people's prosecution committee of the government on its own level.

d. The people's prosecutor's office may subpoena files and documents from the various government organizations for the execution of its functions.

e. To achieve coordination of work, the chief or deputy prosecutor may, upon the consent of the organization involved, participate in the executive meeting or special business meeting of the judiciary police, or other agency;

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conversely, the chief prosecutor may invite representatives from various agencies to participate in the executive meeting or special business meeting of the people's prosecutor's office.

Article 7

These regulations are effective on the date of promulgation, after approval by the Central People's Government Council.

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